

Atty. Docket No.: UCF-293

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE7-12-03
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Applicant: LEE CHOW
Serial No.: 10/084,688
Filed: 02/27/02
For: NANO SCALE TEMPERATURE SENSORS AND HEATERS
Examiner: JEFFERY, JOHN A. Group: 3742 Paper No.:

ELECTION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the Examiner's Action mailed June 17, 2003, Applicant elects to prosecute with traverse Invention I., claims 1 - 6.

Based on the restriction requirement Applicant lists claims identified by the methods readable thereon as follows:

Invention I. Claims 1 - 6

Invention II. Claims 7 - 11

Invention III. Claims 12 - 14

Applicant disagrees with the restriction requirement for several reasons. The Primary Examiner separates the claims 1 - 6, as drawn to "a method of producing a nano-scale sensor," Invention II, claims 7 - 11 as "drawn to a nano-scale sensor" and, Invention III as "drawn to a nano-scale heater". The Primary Examiner further stated the restriction is proper by stating in the office action that Invention I is classified in "class 29, subclass 592.1" and Invention II is classified in "Class 374, subclass 163 and that Invention II is classified in "class 219, subclass 505".


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In reference to the Restriction requirement, Applicants again wish to make their election to prosecute the invention of Invention I, claims 1-6 with traverse. Applicants disagree with the restriction requirement for several reasons.

A policy consideration behind a restriction requirement would suggest that separate inventions exist that inherently would inherently include separate prior art searches, examinations, examiners, etc. The Primary Examiner does not state that different art units and/or different examiners would need to search and examine the inventions of Inventions I, Invention II and Invention III. If both Inventions I, Invention II and Invention III can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would not create an undue time and financial burden on both the patent office and on the applicants.

Thus, for the above reasons, the restriction requirement is not proper and Applicants respectfully request removal of the restriction requirement.

Respectfully Submitted:


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